

This document contains a response concerning the proposed cuts in the taxi voucher program and Capital Metro's efforts to replace it with only ten additional vehicles, (PTS), owned by Austin cab.

My name is Pat Bartel. I am an STS rider who has produced the following information with the help of other STS passengers who are also suffering because Capital Metro has once again tried to implement policies without approval.

As the first step, newly appointed STS director for Capital Metro, Inez Evans, knowingly violated Federal Transportation Administration regulations, (page 5), when in February 2008, she arbitrarily abolished permanent subscription taxi vouchers for work as well as medical trips. She failed to consult either the Access Advisory committee or you, members of the Capital Metro board.

For those STS riders who do not have access to the Austin newspaper, a state district judge on March 7, imposed a temporary restraining order on Capital Metro against making "sweeping changes" without the proper approval process. However, Cap Metro failed to reinstate these taxi vouchers, and starting March 11, Inez Evans instructed call takers to deny taxi vouchers to STS from pharmacies to home, claiming that they could only be authorized for "subscription eligible" riders. Because of this, STS passengers were forced to set pickup times that it was impossible for them to estimate. This new unauthorized policy, which violates Capital Metro's own policies and procedures manual, as well as federal law, created no-shows which were not the fault of passengers or STS drivers. Furthermore, Capital Metro failed to abide by an agreement with federal judge Lee Yeakel, March 21, concerning the reinstatement of these taxi vouchers. This situation finally is on the way to be resolved, after much hard work by the Texas Civil Rights Project, (who represent 3 plaintiffs from among imposed upon STS riders), and the Access Advisory Committee chairwoman, Judy Watford, and its members.

It is clear that without proper oversight, the attitude and recent performance of Inez Evans and other high ranking Cap Metro officials is that they do not have to obey an order from either a district or federal judge. This is unacceptable for Travis County taxpayers as well as the disabled community.

CAPITAL METRO CONTINUES TO MISLEAD AND LIE TO TAXPAYERS.

The Biggest Lie: Cutting taxi vouchers will save money and lower cost. In actuality, limiting taxi voucher use will cost more.

Each ADA eligible rider who recently lost their permanent work/medical taxi vouchers, will now cost more than twice as much to accommodate on an STS vehicle. Currently, the average cost for a person to complete a trip in an STS vehicle is over \$46 while a taxi voucher costs Capital Metro less than 40% of this amount. (The average taxi voucher costs only \$16 - \$17. This includes all full-pay taxi vouchers given to STS riders because they could not be accommodated in STS vehicles.) When taxi vouchers are substantially reduced, these riders will make their trips at a much higher expense because they will then be forced to ride in STS vehicles. Therefore, since taxi vouchers have already been terminated improperly, costs for Capital Metro have already risen; they will not fall as Capital Metro falsely proclaims.

Consider the following:

- ◆ If the number of taxi voucher trips are reduced by 75 percent, Capital Metro's annual costs will increase by almost \$4 million.
- However, if the number of taxi voucher trips are increased by only 50% the annual cost savings for Capital Metro is estimated to be \$2.5 million.

This is a fact that Capital Metro staff, especially those who are opposed to the taxi voucher program, allegedly due to customer fraud, have failed to reveal. They allege that STS riders caused past fraud, when, in reality, only 4 Yellow cab drivers caused this abuse. In 2005, Yellow cab discovered this fraud, fired the responsible drivers and solved this problem permanently and effectively without the need for Cap Metro's input; Cap Metro never discovered this fraud because they fired their auditor in order to allegedly save money. It is typical of Capital Metro to cover their mistakes by misrepresenting the facts and confusing issues with data that are not applicable.

Capital Metro states that the complex and unapproved changes, which would cause undue physical and emotional hardship on its riders as well as restricting independence, that are open for discussion will save only \$1.4 million. Note that the access advisory committee only had a chance to discuss and vote on 2 of these changes: Thirty minute window; Increased penalty for late cancellations & no-shows.

It is very revealing that Capital Metro continues to hide and misrepresent the fact that taxi vouchers are:

- Much more cost effective than rides in an STS vehicle;
- Proven to be more efficient, convenient and free up scheduling resources for STS vehicles;
- ◆ A legitimate option approved by Texas law and the ADA to handle overflow which STS vehicles & scheduling are unable to accommodate;
- ◆ Not a personal limousine service which Capital Metro staff have purposely led the media to believe.

In recent emails from Nancy Crowther, a senior STS staff member who is the "ADA specialist", taxi vouchers are deemed to be extremely costly and inconvenient because wait times for open returns can exceed one hour. Ms. Crowther, neglects to mention that the reason why some cab drivers do not accept STS trips anymore is that Capital Metro's new auditors, in an attempt to stop alleged fraud that is no longer an issue, have complicated the voucher payment process to an unfair degree. As an example, cab drivers are not paid for legitimate trips they drove 6 months ago because the letters "pm" or "am" were not always included for each and every time on a taxi voucher form. Furthermore, if a visually impaired passenger's signature was not readable enough, or appeared in the wrong place, the voucher was not paid. As a result, these "kick outs", have forced well-intentioned taxi drivers to pay money out of their own pockets, in some cases, several hundred dollars, back to the cab company for legitimate trips that Capital Metro refused to pay them for. Since cab companies, at an additional expense to themselves, verify each taxi voucher, one by one against the STS log when a driver pays their weekly lease, this unfair practice that Capital Metro instigated several years ago is just another example of a governmental bureaucracy implementing wasteful and costly procedures that are clearly not necessary; they have only succeeded to impair and limit necessary paratransit services for the disabled.

In order to fulfill its promise to drastically cut costs for the paratransit budget, , Capital Metro plans to implement a tactic called Functional Assessments, (they soften it by labeling this as an In-Person Interview), starting in 2009. However, Capital Metro has failed to:

- inform STS riders who their contractor is;
- failed to outline actual costs for this service as well as any costs for the appeals process when passengers are improperly kicked off the system;
- failed to seek the approval of the Access Advisory committee for this contractor;
- and Capital Metro has provided no details on the medical expertise of this contractor.

Do you want someone other than your doctor to decide if you are one of the privileged few, in Metro's words, "those who really need this service"? Yet, Capital Metro expects their highly paid consultants, Fred Butler and the Texas Citizen Fund to write a meaningful report for the Cap Metro Board on this issue.

Clearly, the facts concerning the rationale for changes to our paratransit system as well as the actual figures are being manipulated and an accurate picture is blatantly being withheld; the crucial question is: "Why."

The fate of the critically necessary taxi voucher program will soon be decided at a trial in federal court. Despite nationwide evidence to the contrary, Capital Metro continues to state that 10 Austin Cab owned PTS vehicles, can replace the taxi voucher program which provides more than 400 rides per day. As per the proposed 2008 budget, Capital Metro plans to appease its disabled ridership, increasing STS service hours by 131,000, which is an average of only 87 hours per day. Even with the new vehicle location technology and using 10 PTS vehicles, it would be impossible to accommodate this overflow. If this is allowed to happen, we will be forced to schedule Sts pickups from medical appointments, pharmacies and grocery stores at times that are impossible to estimate in advance. Furthermore, we will be subjected to excessive trip lengths, another fact that Capital Metro planners neglected to inform you of.

This current data misrepresentation and disinformation is reminiscent to what MV Transportation, Inc., a company which obtains contracts nationwide to provide paratransit services, engaged in at the Riverside California Transit agency in 2005. MV Transportation, whose philosophy is to provide paratransit service only at a minimalist level, is the same company where current STS director, Inez Evans, worked as vice president of operations for less than 2 years.

Furthermore, an issue which relates to the current attitude of Capital Metro senior staff, who insist upon the implementation of unapproved policies as merely "procedural changes", may be the fact, (as reported by the Washington Post), that in 2006, Inez Evans was forced to resign from MV Transportation, as the general manager for Metro Access in Washington, D.C. Of great importance is the fact that until the Metro Access board listened to input from an advisory group similar to the Access Advisory Committee for Cap Metro, MV Transportation was unable to facilitate a smooth transition from Logisticare, the prior paratransit contractor, whose transgressions and data falsification caused class action lawsuits as well as congressional investigations. Present evidence demonstrates that Inez Evans as well as higher up operations staff at Capital Metro have chosen to ignore input from our Access Advisory Committee, a clear indication that they are either too ignorant, too irresponsible, or too arrogant to understand or care about the costs to Capital Metro:

- ◆ negative media publicity, both newspapers and TV;
- the rising legal costs, especially if unauthorized and unapproved changes are forced upon us;
- and the disintegration of trust between Capital Metro and disabled taxpayers.

Before closing, please consider the rationale that Capital Metro staff uses to justify unapproved "sweeping changes" in the current taxi voucher system. A favorite slogan of Capital Metro management is:

- ◆ "We have the baby-boomers around the corner as a society we best prepare now."

As mentioned earlier, Capital Metro senior managerial staff have knowingly and purposefully violated the temporary restraining order set forth March 7 in state district court when on March 11, taxi vouchers from pharmacies to home were denied without notification to Sts passengers in writing. This is parallel to the situation in 2005, when Jan Johnson, former Sts director attempted to implement unauthorized taxi voucher policies. He claimed, as does Inez Evans, that these are merely procedural, not policy changes. Capital Metro staff state that the reason for this new taxi voucher policy, is that former director Mr. Johnson told them that Metro did not need to provide these taxi vouchers. Note that this taxi voucher policy is not in writing, (it has been a work in progress for the last several years). It was pointed out that these pharmacy vouchers had been authorized for many years. One senior Sts staff member responded: "Well, I just guess that this pharmacy taxi voucher policy has never been enforced." Does Capital Metro now formulate policies on hear say, (what someone said), rather than on interpretations of disability law?

Since this appears to be a new trend, perhaps we should ask, and so should you, members of the board, who besides Inez Evans, at Capital Metro management agrees with and approves of this new way of formulating paratransit policy.

However, for the record, statements justifying this new taxi voucher policy are not correct. In June 2005, after much hard work by affected Sts riders, Jan Johnson revoked his unapproved taxi voucher policy and admitted, among other things, that Cap Metro should legally provide pharmacy taxi vouchers. Clearly, he would never have told Sts staff members to arbitrarily reverse this policy without trying to reverse it himself.

Furthermore, at a June 2005 Access Advisory Committee meeting, Mr. Johnson stated that taxi vouchers were in many cases more cost effective than forcing passengers to ride in Sts vehicles, especially for longer trips over 10 miles and for those riders who were on a subscription service for work, school and medical trips. Finally, he stated that it cost more than \$40 for a person to take a trip in an Sts vehicle while taxi vouchers were less than half this cost. Now the cost to take a trip in an STS vehicle has risen to more than \$46 while taxi voucher costs for Capital Metro remain virtually unchanged. However, Cap Metro does not admit this; they continue to claim that taxi vouchers are not cost effective, are a fraudulent waste of taxpayers money and should be replaced by an unproven contracting cab service which has only ten vehicles.

Finally, one must also ask the question: Why has Nancy Crowther, senior managerial Sts staff member, who is the "ADA specialist", taken no action to stop this arrogant misuse of authority. Although disabled herself, she portrays herself to be an advocate of civil rights for all disability groups, yet her recent emails, justifying proposed changes, sent to Sts riders who are suffering undue emotional and physical hardship due to these unapproved policies, are evidence of whose side she is really on.

"We are trying hard to move trips from vouchers to Paratransit for optimal efficiencies with less customer distress. We have had many complaints from customers ... the quality control for customer service is just not happening. I realize the changes cause distress but in the short and long range our customers will be able to recognize the benefits. As for the other changes, with the advanced technology we are getting and tightening up on some of our business practices, I do believe wholeheartedly that these changes are going to be for the best for the most people. It is going to take several years to get everything smoothed out but we have the baby-boomers around the corner as a society we best prepare now."

Clearly, Nancy Crowther is no longer an advocate for Austin's disabled Sts ridership, she is merely a Capital Metro employee whose mission is to allegedly cut costs for the good of us all.

Members of the Capital Metro board, the above evidence, along with the necessity for district and federal court hearings demonstrates what will assuredly occur when irresponsible high-level staff members of an agency violates accepted and approved guidelines/regulations in order to implement its own unauthorized agenda. Therefore, I respectfully ask that the Access Advisory Committee be granted the power set forth in its bilaws and sanctioned in recent FTA regulations, to act as a watch dog, a mechanism, over STS, Capital Metro, i.e., be given the opportunity to discuss and vote on future proposed changes, whether defined as procedural or policy, and submit that input to the Capital Metro board. Only, and only then, can STS legally implement changes to our paratransit system. The advisory role of this committee should be strengthened in order to avoid a repeat of the unfortunate circumstances we have now. After all, we have oversight committees in Congress to keep a president or group of law makers from becoming a dictator. Let the board approved "mechanism" be ignored for the last time.

We, the disabled STS riders, taxpayers of Travis county, deserve respect; we do not deserve to have our intelligence insulted with white-washed and improperly planned scenarios.

From the Federal Transportation Administration, (FTA)

“A public hearing is required, however, for changes to the paratransit reservations system. Under §37.131(b)(4), any changes to the reservation system must comply with the public participation requirements in §§37.137(b) and ©) of the Department’s ADA implementing regulations.* These require that public participation include: outreach, consultation with individuals with disabilities, opportunity for public comment, a public hearing and the creation of a mechanism for continued participation of persons with disabilities in the development and assessment of services to persons with disabilities.”

Financial Worksheet

Note: the costs quoted in the above response are only estimates since I do not have exact details on specifics of the 2007 Cap Metro budget. However, for purposes of illustration, I strongly believe that they are of sufficient accuracy.

In 2007, taxi voucher cost was \$3.2 million which is only 11.8% of the total paratransit budget.

Currently, the cost for a person to take a trip in an STS vehicle is \$46.50

The highest estimated cost for an average taxi voucher is \$18.

(This includes the cost of full-pay taxi vouchers given to passengers who cannot be accommodated in an STS vehicle. These full-pay vouchers are not common. Taxi vouchers cost \$17 or less.)

Estimated number of taxi vouchers in 2007, (3.2 million /18) 177,800

Average number of taxi vouchers per day 487

Total rides in an STS vehicle, (650,000-177,800) 472,200

Cost to transport passengers in an STS vehicle, (472,200 x 46.50) \$21.957 Million

2007 cost to transport paratransit passengers \$25.2 million.

(I would assume that the \$1.7 million discrepancy between this \$25.2 million figure and the \$26.9 total budget for STS is for other types of costs such as vehicles etc. which are not directly related to the costs for passenger transport.)

If The Number of Taxi Vouchers are Decreased by 75%

Will have an extra 133,350 passengers now riding STS vehicles at \$46.50 each; (177,800 x .75)

Will have 44,450 using taxi vouchers at \$18 each, (177,800 x .25).

Taxi voucher costs for 75% cut, (44,450 x 18) \$800,100

Additional cost for STS vehicle use at a 75% voucher cut, (133,350 x 46.50) \$6.200775 million.

Total extra paratransit cost with a 75% taxi voucher cut \$7 million.

This cost is \$3.8 million higher than the current \$3.2 million cost for taxi vouchers.

If The Number of Taxi Vouchers Is Increased by 50%

Number of taxi vouchers increases to 266,700

Taxi voucher cost at a 50% increase \$4.8006 Million

Cost increase for 50% increase in taxi vouchers \$1.6 million.

Number of STS trips with a 50% taxi voucher increase 383,300

Cost to transport using only STS vehicles \$17.823450 million.

Total paratransit transportation cost at a 50% taxi voucher increase \$22.624 Million.

Cost savings with a 50% taxi voucher increase, (25.2 mil - 22.624 mil) \$2.5 million.

Therefore, taxi voucher cuts cost more, additional taxi vouchers lower Cap Metros annual paratransit costs.